

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCES

In re Patent Application of

Toshiyuki Toyofuku et al.

Serial No.: 09/096,395

Filed: June 11, 1998

For: DIGITAL CAMERA HAVING A FEATURE FOR WARNING
A USER OF INSUFFICIENT MEMORY (As Amended)

OFGS File No.: P/16-161

Date: June 13, 2003

Group Art Unit: 2612

Examiner: J.M. Villecco

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W. Law
6/18/03

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REPLY BRIEF UNDER 1.193(a)

Sir:

Applicant replies to the Examiner's Answer dated April 22, 2003.

Specifically, the Applicant replies to the "Response to Arguments" section which is presented at pages 18-19 of the Examiner's Answer, noting the following:

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Okauchi does not describe and is not directed to a panoramic camera. That reference takes a single image which is subdivided internally for purposes of improving resolution.

The Examiner refers the Applicant to Figure 3 of Okauchi to prove that it takes a panoramic view. Figure 3 shows four images aligned vertically as well as horizontally in a 2x2 matrix. A "panoramic" picture is not so arranged. The word "panoramic" does not appear in this reference.

The Examiner states:

"The user would not want a panoramic imaging operation to begin if there is not sufficient memory to store all of the images of the image set."

That may be true, but the prior art does not disclose issuing a warning that another panoramic image cannot be taken. The reason may be because a user may choose to change the number of pictures assigned to a panoramic composite picture, to accommodate the reduced number of

available pictures. For example, if normally five images are assigned to one panoramic photo, and there are only four image spaces available, the user can reprogram the camera to take a panoramic picture consisting of four images.

In the final analysis, the Office Action argument for obviousness is not based on the prior art, but rather on the Examiner's reasoning which rests on knowledge gained by hindsight, from reviewing Applicant's disclosure. For example, at page 19 of the Examiner's Answer, the Examiner argues:

"If all of the images are for panoramic image set will not fit on the recording media, it would have been obvious to generate a warning as in Fujimori, if the memory cannot hold the plurality of panoramic images being taken in Moghadam."

However, the "obviousness" allegation is refuted by the fact that panoramic cameras have been available for many years and still the teaching of the present invention is nowhere to be discerned therein.

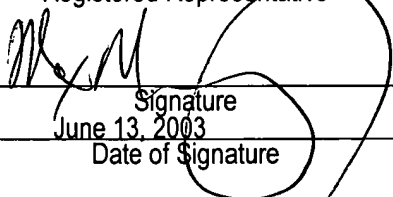
Accordingly, the rejections of record should be reversed.

This Reply Brief is being submitted in triplicate in accordance with 37 CFR 1.192

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 13, 2003:

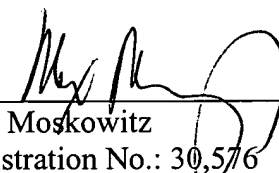
Max Moskowitz

Name of applicant, assignee or
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Signature
June 13, 2003
Date of Signature

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Respectfully submitted,


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